

III. REMARKS

1. Claims 1-14 are pending in this Application.
2. The drawings are amended to overcome the objection. Replacement drawing sheets are being submitted herewith.
3. Claims 1-14 are patentable under 35 U.S.C. 103(a) over Ferreira, U.S. Patent No. 6,115,601 in view of Kawan, U.S. Patent No. 6,442,532. Claim 1 recites in part, wirelessly transmitting an inquiry message at intervals by the money loading means and examining whether the inquiry message transmitted by the money loading means can be received by the money depositing means. The combination of Ferreira and Kawan does not disclose or suggest these features.

Ferreira discloses a mobile communication system where communication credits are stored in a secure module of a mobile communication appliance (Abstract). In Ferreira the secure module, in response to a trigger from the mobile communication appliance to reload a specified number of communication credits, checks whether the specified number of communication credits falls within a predetermined communication credit range stored in the secure module and acting upon the trigger if the outcome of the checking is positive (Col. 4, L. 18-25; Col. 8, L. 60-Col. 9, L. 1).

The secure module (30) is triggered by the mobile communication appliance (10) in response to a user instruction for reloading credits. The secure module (30) may be programmed to automatically determine a number of credits to be reloaded. One way of doing this is to always request a predetermined number of credits or, alternatively, request to be fully reloaded (i.e. request a predetermined maximum number of credits minus the actual balance at the moment of requesting the reload). The user (40) of the mobile communication appliance (10) specifies the number of credits to be reloaded. (Col. 8, L. 22-32).

In Ferreira the minimum and maximum number of credits are defined before reloading so that at least a minimum number of credits will be loaded. The upper limit may, for instance, represent a maximum number of credits which at any moment may be stored in the secure module (Col. 8, L. 44-46).

Nowhere does Ferreira disclose or suggest transmitting an inquiry message by the money loading means or examining the inquiry message transmitted by the money loading means as recited by Applicant. In Ferreira, the secure module is triggered by the mobile communication appliance (i.e. the mobile phone) in response to a user instruction for reloading credits. This is not the same as what is called for in claim 1.

Claim 1 calls for the loading of money on the money depositing means to be performed automatically in the vicinity of the money loading means, if the sum of money on the money depositing means is smaller than a predetermined limit. For example, in one embodiment in Applicant's invention, the user carries a mobile terminal comprising a smart card having an electronic cash application. When the user passes by an ATM that has sent out an inquiry message and which can wirelessly communicate with the smart card, via the mobile terminal, the smart card responds to the inquiry message and checks whether a condition for loading electronic cash to the smart card is fulfilled or not. If the condition is fulfilled, the smart card begins the transaction with the ATM for loading electronic cash. To the contrary, in Ferreira the inquiry message is transmitted by the user of the mobile phone not by the money loading means as recited in claim 1.

Because Ferreira does not disclose or suggest transmitting an inquiry message by the money loading means there cannot be any examination of the "the inquiry message transmitted by the money loading means" as recited by Applicant. Combining Ferreira with Kawan fails to remedy these deficiencies of Ferreira.

Kawan discloses a financial information and transaction system that utilizes wireless communication in connection with portable terminals (Abstract). In Kawan signals provided from a wireless service provider are received by a transmitter/receiver portion

(110) of the terminal (100). Conversely, signals are provided from the transmitter/receiver portion (110) of the terminal (100) to a front end processor via a wireless service provider. The terminal (100) is used to transmit data to and from a financial institution or financial network. (Col. 4, L. 50-53). The Examiner argues that the signals of Kawan are the same as the "inquiry message" claimed in claim 1. The Applicant disagrees.

The signals in Kawan are merely transaction messages to add value to the smart card after the user initiation of the transaction. In Kawan the user may insert a smart card into the smart card reader 108. The card first encrypts, then transmits to the terminal 100 information stored on a smart card. This information identifies the financial institution which maintains the user's account as well as the user's account number. (Col. 5, L. 5-9). Once authorization has been obtained, the user may determine the user's current account balance and/or request that value be added to the card. In executing these requests, the terminal exchanges encoded information by wireless transmission with a financial network. The terminal may be used to directly add value to the user's card, and then request by wireless transmission that the customer's account be debited a corresponding amount. (Col. 5, L. 14-22). When the funds are transferred to and from the smart card, an encrypted bank signature appended to the funds certifies that the funds are "real." (Col. 5, L. 24-26).

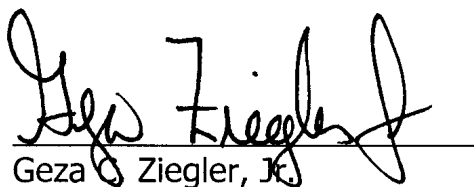
Thus, in Kawan the transaction between the terminal and the financial institution is initiated by the user of the terminal, which is what is disclosed in Ferreira. The messages sent in Kawan after the user initiates the transaction are merely messages to add value to the smart card, they are not "inquiry messages" as in Applicant's claim 1. There is simply no disclosure in either Kawan or Ferreira of the "money loading means" transmitting an "inquiry message" as recited by Applicant. Thus, there cannot be any examination of the "the inquiry message transmitted by the money loading means" as recited by Applicant.

Therefore, claim 1 is patentable over the combination of Ferreira and Kawan because neither reference, individually or in combination discloses or suggests transmitting an inquiry message by the money loading means or examining the inquiry message transmitted by the money loading means as recited by Applicant. Claims 9 and 14 are patentable over the combination of Kawan and Ferreira for reasons similar to those described above with respect to claim 1. Claims 2-8 and 10-13 are patentable at least by reason of their respective dependencies.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for a one month extension of time (\$120) as well as any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



Geza Ziegler, Jr.
Reg. No. 44,004

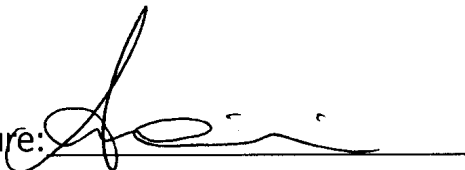
12 October 2006
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being transmitted electronically on the date indicated below and addressed to Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 12 October 2006

Signature: 

Aliza Winetfield
Person Making Deposit